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EXTRA

It is to be hoped that every feeling of harmony will be cherished to the utmost in this Convention. By this you, fellow citizens, I am satisfied that we can prove to the world that California has not been settled entirely by unintelligent and unlettered men. I am sure that the present population of California is well calculated to strike the world with, at least, a degree of that admiration which our rapid progress in wealth and prosperity has done. Although the progress of California, in point of wealth, has been beyond all previous anticipations, yet her progress in population has been still greater. So far from this population consisting of persons who had nothing to do at home, it has drawn from the States many of the best families and most intelligent men in the country. The knowledge, enterprise, and genius of the old world re-appears in the new to guide it to its destined position among the nations of the earth. Let us then, go onward and upward, and let our motto be, "Justice, Industry, and Economy."

On motion an invitation was extended to Gov. Riley, who was present, to take a seat upon the floor of the house.

The following resolution, introduced by Mr. Sherrwood, and amended by Mr. Halleck, was passed:

Resolved, That the Convention elect one Secretary, two Assistant Secretaries, a Reporter, a Sergeant-at-arms and a Doorkeeper.

On motion of Mr. Price the rule was suspended and W. H. Farnell appointed interpreter and translator.

The house then proceeded to ballot, when W. G. Marcy was elected Secretary, Caleb Lyon, 1st Asst. do, and J. G. Field, 2d do do.

A debate here arose in regard to the election of a reporter, whereupon,

On motion of Mr. Gwin, Messrs. Gwin, Dent and Gilbert were appointed a committee upon the subject.

The house then elected H. S. Holliston Sergeant-at-arms.

On motion the rule was suspended, and Cornelius Sullivan appointed doorkeeper.

On motion of Mr. Vallejo a clerk was allowed the interpreter, and on motion of Mr. Price the rule was suspended, and W. H. Henrie appointed such clerk.

On motion of Mr. Price the following resolution was adopted,

Resolved, That the President appoint a committee of three to call upon the clergy of Monterey and request them to open the Convention each day with prayer.

Messrs. Price, Larkin and Norton were appointed such committee.

Mr. Gwin then offered the following resolution.

Resolved, That a select committee composed of one delegate from each district be appointed by the President to report the plan, for any portion of the plan, of a State Constitution for the action of this body.

A debate having sprung up on this resolution, and several members having expressed a desire to introduce amendments,

On motion of Mr. Price it was made the special order of the day for to-morrow.

After some conversation at was

Resolved, That the parliamentary law, as laid down in Jefferson's Manual, so far as practicable, be the law of the Convention until otherwise ordered.

The Convention then adjourned to 10 A. M. to-morrow.

Wednesday, Sept 5, 1849

The Convention met pursuant to adjournment. Prayer by Padre Antonio Ramirez.

Upon a call it appearing that a quorum was not present,

Mr. Gwin said that he feared that such was the fact, and he believed that the best course to be pursued to remedy the evil of a want of quorum, which was caused by the adoption of the apportionment of yesterday would be, to give the present members from each district the right to answer to the names of the absent members.

Mr. Halleck opposed such motion. He had never heard of a proposition of this character, and he had no doubt that in a few days there would be members enough here to secure a quorum at every sitting.

Mr. Gwin wished the gentleman to suggest a remedy. He could see no other than the one he [Mr. Gwin] had proposed.

Mr. Batts rose to a question of order. He called for the reading of the minutes of yesterday.

The minutes of yesterday were read and approved. The roll was called and a quorum being now present,

Mr. Crosby moved that each officer and member of the Convention be sworn to support the Constitution of the U. S.

Mr. Gwin moved the order of the day to be put.

Whereupon it was carried.

The Secretary of State then administered the oath to the President, and the President then administered the oath to the members.

The order of the day now came up.

Mr. Halleck moved an amendment. He said that a portion of the members present were desirous to have a direct expression whether the Convention be in favor of a territorial or a state organization.

Mr. McCarter was unwilling to entertain the belief that this body was organized for any other purpose than framing a state organization.

Mr. Gilbert then moved an amendment to the amendment.

Mr. Halleck thought it would be wrong to force members who might be in favor of the proposed constitution of the committee to vote for or against a resolution a part of which they liked and a part of which they did not favor. He was in favor of the division of the question proposed by his resolutions.

Mr. Gwin called for the previous question, but was waived it and accepted a substitute offered by Mr. Hastings that the committee consist of two instead of one member from each district.

Considerable conversation here occurred between members, when Mr. Gwin, on leave of the house, amended his original resolution.

Mr. Gilbert moved the following amendment

Resolved, That it is expedient that this Convention now proceed to form a state constitution for California.

Resolved, That a committee consisting of one member from each district be appointed by the Chair to prepare a draft or plan for a constitution for the state of California, and that such committee be instructed to report to this Convention with as little delay as possible, such articles or sections of said draft or plan as may have been passed upon in committee from time to time.

Mr. Halleck accepted Mr. Gilbert's proposition as a substitute for his amendment.

Mr. Gwin accepted the first resolution offered by Mr. Gilbert as a substitute for his second resolution.

Mr. A. Canillo reported that he and his colleagues were instructed to vote against a state government, and in favor of a territorial organization. He was in favor of a territorial government, but as the great majority of the members present were undoubtedly in favor of a state constitution, he desired that the country might be divided on a line running west from San Luis Obispo in order that north of that line might have a state government and all south thereof might have a territorial government.

Mr. Foster, although acting under the instructions as his colleague [Mr. Canillo] did not believe that a majority of his constituents wished a separation. Although there was no doubt that they desired a territorial government he believed they would prefer to have their share of the burdens of state government rather than to divide the country.

Messrs. Tefft and Hill wished it understood that they voted on this question under instructions.

The question was then taken on the first resolution, as follows: Ayes 28, noes 28.

On a call of the house it appearing that a quorum was not present the Sergeant-at-arms was dispatched to compel the attendance of absent members.

On motion, the Convention took a recess of thirty minutes.

Two o'clock, P. M.—The Convention met pursuant to adjournment.

The Chair remarked that he deemed it extremely important that we should have some settled rules of action. He wished that the members would take this matter in hand at once. He stated that, by some misunderstanding, the Convention supposed that by its adoption of the report of the special committee appointed yesterday, the Convention consisted of seventy-three members. Such was not the fact, as the report of the committee would show that they only gave a list of members who had received the highest number of votes. It, therefore, appeared that some further action of this house would be required to constitute such persons members.

A conversation, of considerable length, here took place, during which several motions were made, but not entertained.

Upon a call of the house, the President declared a quorum present.

Mr. Gwin moved a reconsideration of the report of the special committee of yesterday, which was carried.

Thereupon, Mr. Gwin offered the following resolution.

Resolved, That the report of the select committee appointed by order of the House, to report upon the number of votes received in the several districts by persons who were candidates for seats in this body be adopted, and Hugo Reed, Jacinto Rodriguez, Francis J. Lippitt, Alfred J. Ellis, R. M. Price, L. W. Hastings, M. M. McCarter, J. McDougal, E. O. Crosby, B. F. Lippincott, B. F. Moore, J. M. Jones and Q. M. Mozenecraft, are only elected and hereby admitted as members of this body.

Which was unanimously adopted.

The question then recurring on the order of the day,

Mr. McCarter offered the following amendment, which was lost.

Resolved, That the Convention do now resolve itself into a committee of the whole, and take into consideration the constitution of the state of Iowa as a basis for the constitution of California.

Mr. Price then offered the following, which was lost.

Resolved, That a select committee, composed of one delegate from each district be appointed by the President to report upon the best mode of proceeding to make a state constitution for California.

After much further debate, the house without taking the question, adjourned to 10 A. M. to-morrow.

Thursday, Sept 6, 1849

The Convention met pursuant to adjournment. Prayer by Rev. S. H. Willey.

The journal of yesterday was read amended, and adopted.

Messrs. F. J. Lippitt, Pablo de la Guerra, Manuel Duncinquez, and J. Cobarruvios appeared, were qualified and took their seats.

Mr. Gwin from the select committee relative to a reporter for the Convention, reported against the entering into any contract with a reporter.

The question was then taken on appointing a reporter, and Mr. Brown was elected without opposition.

Mr. Gwin moved a reconsideration of the resolution adopted yesterday in favor of forming a state government, and moved to lay it on the table.

The order of the day now came up.

Mr. Price, on leave, moved that the President appoint two pages to the Convention. Carried.

Mr. Price then offered the following amendment to the amendment of Mr. Gilbert.

Resolved, That six standing committees of five members each be appointed by the President to take into consideration and report upon the following articles of a constitution to be submitted to this Convention:

1. Executive and executive powers

2. Legislative Department and qualifications of electors

3. Executive and executive powers

4. Judicial Department

5. Mode of amending and revising

6. General provisions and schedule

After debate the question was taken on the above, and it was lost.

The question then recurring on Mr. Gilbert's amendment.

Whereupon, on leave of the house, Mr. Gwin amended his motion so as to leave the number of delegates blank.

Thereupon, the chair decided that the amendment of Mr. Gilbert was not in order.

Mr. Gilbert appealed from the decision of the chair.

Mr. Halleck inquired if an appeal from the decision of the chair were debatable.

The chair decided that it was not debatable.

The question was then taken and the decision of the chair sustained as the decision of the house.

The question was then taken on Mr. Gwin's resolution, and it was carried.

On motion the blank in the resolution was filled by the word two.

Mr. Shannon then introduced the following resolution, which was carried, viz

Resolved, That a select committee of five be appointed by the President to frame and report to this house at as early a period as practicable the necessary rules for its government.

The Convention then took a recess of thirty minutes.

One o'clock, P. M.—The Convention met pursuant to adjournment.

The chair announced the following gentlemen as the standing committee on the Constitution—Messrs. Gwin, Norton, Hill, Pedronera, Foster, Canillo, La Guerra, Rodriguez, Tefft, Cobarruvios, Dent, Halleck, Dimmick, Hoppe, Vallejo, Walker, Snyder, Sherwood, Lippincott, Moore.

The chair then announced the following gentlemen as the committee on rules for the Convention—Messrs. Shannon, Batts, Price, Jones, McCarter.

Mr. Gwin then moved that the Secretary of the Convention have power to employ a clerk or clerks, if such be necessary, and to report to the Convention the name or names of the person or persons he proposes to appoint for its approval. Carried.

On motion of Mr. Price, the following resolution was adopted.

Resolved, That the committee to frame a constitution is hereby authorized to employ such number of clerks as may be necessary, and that the committee are instructed to bring in a copy of their report for each member of the house.

Mr. Price then offered the following.

Resolved, That the President appoint a committee of three to wait upon Gov. Riley and inform him that the Convention is fully organized, and ready to receive any communication from him that he may be pleased to make.

Mr. Gwin objected, and under the rule lay over.

On motion the hour of the assembling of the Convention was fixed at 10 A. M., until further ordered.

The Convention then adjourned.

Friday, Sept 7, 1849.

The Convention met pursuant to adjournment. Prayer by Padre Ramirez.

Mr. Brown, from the district of San Jose, appeared, was sworn, and took his seat.

The minutes of yesterday were read and approved.

Mr. Batts moved the following resolution, which was adopted.

Resolved, That a committee of five be appointed to inquire and report to this body the proper mode of providing for the payment of the expenses of this Convention, and that they report the proper per diem or other allowance, to be made to the officers in the employment of this house.

The President appointed Messrs. Batts, Brown, Price, Crosby and Larkin.

Mr. Norton, from the committee on the constitution, reported that the committee having been compelled to come into the house to form a quorum, they were not prepared to lay before the house a collated and engrossed report. If the house wished, he would read the action of the committee.

Mr. Hastings moved that the committee be permitted to report when one copy of their report was ready. Adopted.

The report of the committee was read.

Mr. Gwin moved that the report of the committee be referred to the committee of the whole and made the special order of the day for to-morrow at 10 o'clock, A. M.

Mr. Ord moved to amend by substituting Monday at 10 A. M. Lost.

The question was then taken on Mr. Gwin's motion and it was adopted.

The chair stated that the secretary had appointed Messrs. Durivage, Howe, and Robb as clerks.

A communication was received from J. R. Brown, reporter, which was read and referred to the committee on ways and means.

Mr. Shannon, from the committee on rules of the house, reported progress, and stated that the committee would have reported it full had they been allowed a clerk.

The house then adjourned.

Saturday, Sept 8, 1849.

The Convention met pursuant to adjournment. Prayer by the Rev. S. H. Willey.

Messrs. McDougal and Walker were then qualified and took their seats.

The journal of yesterday was read, amended, and adopted.

Mr. Batts offered the following resolution.

Resolved, That a "Bill of rights," if appended to a constitution at all, should only be declaratory of general fundamental principles.

That the object of a constitution is to organize a government prescribing the nature and extent of the powers of the several departments thereof, and to engraft any legislative enactment on a constitution is anti-republican and contrary to the character and genius of such an institution.

Mr. Batts spoke to the resolution and on concluding, a call for the special order of the day.

Mr. Gwin moved the order of the day to be put.

Whereupon it was carried.

The Secretary of State then administered the oath to the President, and the President then administered the oath to the members.

The order of the day now came up.

Mr. Halleck moved an amendment. He said that a portion of the members present were desirous to have a direct expression whether the Convention be in favor of a territorial or a state organization.

Mr. McCarter was unwilling to entertain the belief that this body was organized for any other purpose than framing a state organization.

Mr. Gilbert then moved an amendment to the amendment.

Mr. Halleck thought it would be wrong to force members who might be in favor of the proposed constitution of the committee to vote for or against a resolution a part of which they liked and a part of which they did not favor. He was in favor of the division of the question proposed by his resolutions.

Mr. Gwin called for the previous question, but was waived it and accepted a substitute offered by Mr. Hastings that the committee consist of two instead of one member from each district.

Considerable conversation here occurred between members, when Mr. Gwin, on leave of the house, amended his original resolution.

Mr. Gilbert moved the following amendment

day was made, on which a question of her arrest and was debated, whereupon, A motion was made to refer the resolution to the committee of the whole, and lost. The house then resolved itself into a committee of the whole on the report of the committee on the constitution, Mr. Lippitt in the chair.

Mr. Shannon moved to amend the report of the committee.

Mr. Jones moved an amendment to the amendment, but on explanation withdrew it. The question was then taken on the amendment of Mr. Shannon, and it was adopted, viz:

Sec 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.

The question then came up on the second section of Mr. Shannon's amendment.

Whereupon Mr. Ord moved to substitute the following:

2. That all power is vested in, and consequently derived from the people, that magistrates are their trustees and servants, and at times amenable to them.

The question was then taken on the amendment to the amendment, and it was lost.

The question was then taken on the amendment, and it was adopted, viz:

3. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have the right at all times, to alter or reform the same whenever the public good may require it.

The question then came up on the first section of the committee report, viz:

4. No member of this state shall be disqualified, or deprived of any of the rights or privileges secured to any citizen thereof, by the law of the land, or the judgment of his peers.

Mr. Botts moved to strike out the word "member" and insert that of "inhabitant."

Mr. Ord moved to amend the amendment, as follows:

5. No inhabitant of this state shall be deprived of his rights or privileges, unless by the law of the land or the judgment of his peers.

The amendment to the amendment was adopted. The question on the amendment was then taken, and it was lost, whereupon, the question recurring to the original, it was adopted.

The committee then rose, reported progress, and asked leave to sit again. Report adopted and leave granted.

Mr. Shannon, from the committee on rules of the house, submitted a written report, which, on motion of Mr. Gilbert, was laid on the table, subject to call on Monday morning at 10 o'clock, A. M.

Mr. Botts moved the following resolution, which was adopted, viz:

Resolved, That when copies of reports are ordered by this house, that the secretary shall be authorized to contract for the same, and to print an immediate report of the terms of the contract to the President of the Convention for his approval.

Adjourned to 3 P. M.

THURSDAY, SEPT. 10, 1849.—The Convention pursuant to adjournment.

The house then resolved itself into committee of the whole on the special order of the day.

The question came up on the second section of the report of the committee, and it was adopted, viz:

The right of trial by jury shall be preserved to all and remain inviolate forever. A jury trial may be waived by the parties in all civil cases, in the manner to be prescribed by law.

The third section of the report was then taken.

Mr. Botts moved the following amendment, which was lost:

That religion, or the duty which we owe our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience, and that it is the duty of all to practice Christian forbearance, love, and charity toward each other.

After debate, the question was taken on the proposition of the committee, and it was adopted as follows:

The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be secured in this state to all mankind, and no person shall be rendered incompetent to be a

witness on account of his opinions on matters of religious belief, but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

The third section now coming up, Mr. Botts moved to amend by inserting, "in the opinion of the legislature," after the words, "public safety."

After some debate, Mr. Ord offered the following amendment, which was accepted as substitute by Mr. Botts. The question was then put, and it was lost, viz:

The privilege of the writ of habeas corpus shall not be suspended, except in such cases and in such manner as the law shall provide; and only then in cases of actual rebellion, invasion, or when the public safety may require it.

The question was then taken, and the section as reported by the committee was adopted, viz:

5. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

The question was then taken on the following *seriatim* and they were adopted, viz:

6. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel and unusual punishment be inflicted, nor shall witnesses be unreasonably detained.

7. No person shall be held to answer for a capital or otherwise infamous crime, except in cases of impeachment, and in cases of militia, when in actual service; and the land and naval forces, in time of war, or which this state may keep with the consent of congress in time of peace, and in cases of petit larceny, under the regulation of the legislature, unless on presentment or indictment of a grand jury, and in any trial in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offence, nor shall he be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property without due process of law, nor shall private property be taken for public use, without just compensation.

After considerable debate, the question was taken on the seventh section reported by the committee, and it was rejected, viz:

When private property shall be taken for any public use, the compensation to be made therefor, when such compensation is not made by the state, shall be ascertained by a jury, or by not less than three commissioners, appointed by a court of record, as shall be prescribed by law. Private roads may be opened in the manner to be prescribed by law, but in every case the necessity of the road, and the amount of all damage to be sustained by the opening thereof, shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefited.

The question was then taken on the following section, and it was adopted, viz:

8. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press. In all criminal prosecutions or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

The ninth section, as reported by the committee then came up, viz:

No law shall be passed abridging the right of the people peaceably to assemble and to petition the government, or any department thereof; nor shall any divorce be granted, otherwise than by due judicial proceedings, nor shall any lottery hereafter be authorized, or any sale of lottery tickets be allowed within this state.

Mr. Shannon moved the following amendment:

The people have the right freely to assemble together to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

Mr. Ord offered an amendment to the amendment, but withdrew it to allow Mr. Jones to present the following:

9. The people shall have the right freely to assemble together, to consult for the common good, to instruct their representatives, and to petition the legislature for redress of grievances.

The question being taken, the above was adopted, and the proposition of the committee and the amendment of Mr. Shannon rejected.

The committee then rose, reported progress, and asked leave to sit again. Report accepted and leave granted.

The house then adjourned.

MONDAY, SEPT. 10, 1849.

The Convention met pursuant to adjournment. Prayer by Padre Ramirez.

Journal read and adopted.

The report of the committee on rules of the house was then read, amended, and adopted.

Mr. Moore offered the following resolution, which was adopted, viz:

Resolved, That a committee of five members be appointed to report to this convention, at as early a day as practicable, a plan for taking the enumeration of the inhabitants of the state of California.

The chair appointed as such committee, Messrs Moore, Suter, Hill, Ord, and Carillo.

Mr. Gwin moved the following resolution, which was debated, but without action thereon the house resolved itself into committee of the whole on the report of the committee on the constitution.

Resolved, That a committee of three be appointed by the President to report a plan to defray the expenses of the state government to be adopted by this Convention.

The tenth section of the report of the committee being under consideration, as follows:

Any citizen of this state who may hereafter be engaged, either directly or indirectly, in a duel, either as principal or accessory before the fact, shall forever be disqualified from holding any office under the constitution and laws of this state.

Mr. Sherwood spoke in favor of the section, and Messrs Price, McCarver, Hastings, Shannon, and Botts against it.

The question being taken on the section it was rejected.

The eleventh, twelfth and thirteenth sections of the report were then adopted as follows:

10. All laws of general nature shall have a uniform operation.

11. The military shall be subordinate to the civil power. No standing army shall be kept up, by the state in time of peace, and in time of war no appropriation for a standing army shall be for a longer time than two years.

12. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, except in the manner prescribed by law.

Mr. Moore then moved the following, which was adopted:

13. As all men are entitled to equal political rights, representation should be apportioned according to population.

The question was then taken on the fourteenth section of the committee's report, and it was adopted, viz:

14. No person shall be imprisoned for debt in any civil action on mesne or final process unless in cases of fraud, and no person shall be imprisoned for a militia fine in time of peace.

Mr. Hastings moved the following, which was adopted, viz:

15. No bill of attainder, ex post facto law, or law impairing the obligations of contracts, shall ever be passed.

The question coming up on the fifteenth section of the report of the committee, as follows:

Foreigners who are, or who may hereafter become, residents of this state shall enjoy the same rights, in respect to the possession, enjoyment, and descent of property, as native-born citizens.

Mr. Jones moved to amend by striking out the word "descent," and inserting the word "inheritance" in its stead, and further to amend by inserting the word "permanent" before the word "resident."

Mr. Larkin moved to amend the amendment by striking out the words "permanent resident," and inserting the word "citizen," which was lost.

Mr. Hill moved to strike out the word "permanent," and insert the words "bona fide." Adopted.

The question then coming up, both amendments were adopted, and the section, as amended, was finally adopted, as follows:

15. Foreigners who are, or who may hereafter become bona fide residents of this state, shall enjoy the same rights, in respect to the possession, enjoyment, and inheritance of property, as native-born citizens.

The question was then taken on the several amendments, and they were rejected, and the proposition of the committee was adopted.

On motion the committee then rose, and reported the Bill of Rights to the house.

On motion the report was received, and laid on the table subject to call.

Mr. Botts offered the following resolution, which was unanimously adopted.

Resolved, That the officiating clergy of this house be admitted to the privileged seats of the house.

Adjourned to 12 M. to-morrow.

TUESDAY, SEPT. 11, 1849.

The Convention met pursuant to adjournment. Prayer by the Rev. S. H. Willey.

The journal of yesterday was read and adopted.

Mr. Gwin called for the consideration of his resolution offered yesterday, and after amendment it was adopted as follows:

Resolved, That a committee of three be appointed by the President to report the ways and means of defending the interests

of the state government to be adopted by this Convention.

The chair appointed Messrs. Gwin, Robinson, and Suter such committee.

The house then resolved itself into committee of the whole, Mr. Lippitt in the chair.

Mr. Hastings offered the following:

As the true design of all punishment is to reform and not to exterminate mankind, death shall never be inflicted as a punishment for crime in this state.

On the question being taken, it was lost.

Mr. Ord offered the following, which was lost, viz:

That perpetuities and monopolies are contrary to the genius of a republic, and shall not be allowed; nor shall any hereditary emoluments, privileges, or honors ever be conferred in this state.

Mr. Ord then offered the following, which was lost:

Every person has a right to bear arms for the defence of himself and the state.

Mr. Ord offered the following, which was adopted, viz:

18. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches, shall not be violated, and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons or things to be seized.

Mr. Ord offered the following, which was adopted, viz:

19. Treason against the state shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open court.

Mr. Ord offered the following, which was lost, viz:

All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, where the proof is evident, or the presumption great.

Mr. Ord offered the following, which was lost, viz:

That no free government or the blessing of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by a frequent recurrence to fundamental principles.

The last section of the report being now under consideration, as follows:

20. This enumeration of rights shall not be construed to impair or deny others, retained by the people.

Mr. Gwin moved to amend by striking out and inserting the following:

This enumeration of rights shall not be construed to deny or disparage others retained by the people; and to guard against any encroachments on the rights herein retained, or any transgression of any of the higher powers herein delegated, we declare that everything in this article is excepted out of the general powers of government, and shall forever remain inviolate, and that all laws contrary thereto, or to the other provisions herein contained, shall be void.

Mr. Botts moved to amend the amendment as follows:

As constitutions and the instruments by which the powers of the people are delegated to their representatives, they ought to be construed strictly, and all powers, not expressly granted, should be taken to be reserved.

Mr. Shannon then called up as proposed amendment, as follows:

17. Neither slavery, nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this state.

After considerable debate on this question, during which many members expressed the wish that this question of slavery should be submitted separately to the people, Mr. Shannon temporarily withdrew his motion to allow the following to be put:

Shall a provision forbidding slavery be inserted in the Declaration of rights?

The question was lost.

Thereupon, the question recurring on the proposition of Mr. Shannon, it was unanimously adopted.

The committee then rose, reported progress, and had leave to sit again.

Mr. Wozencraft, offered the following resolution, which was adopted:

Resolved, That a committee of three be appointed to receive proposals for printing the proceedings of this Convention in Spanish and English, with instructions to receive all bids, and report to this house.

The chair appointed as such committee, Messrs. Wozencraft, Price and Hastings.

Mr. Norton, from the committee on the constitution made a report, which was read, and referred to the committee of the whole.

Adjourned to 12 M. to-morrow.

WEDNESDAY, SEPT. 12, 1849.

The Convention met pursuant to adjournment. The journal of yesterday was read and approved.

Mr. Gilbert offered the following, which was adopted:

Resolved, That an engrossing committee, to consist of three members, be appointed by the chair.

The chair appointed Messrs. Gilbert, Dent and Tefft, such committee.

Mr. Hastings offered the following, which was adopted.

Resolved, That a committee of five be appointed by the President to report to this convention, what in their opinion, should constitute the boundary of the state of California.

The chair appointed as such committee, Messrs. Hastings, Sutter, Reed, La Guerra, and Rodriguez.

Mr. McCarter moved the following.

Resolved, That a committee of five be appointed to report on that portion of the speech to be appended to the Constitution, which relates to districting, fixing the number of members for both branches of the legislature, and for the apportionment of the same.

In the course of the debate which occurred upon the resolution of Mr. McCarter, a question of order and decorum arose between Messrs. Jones and Tefft, which was finally amicably arranged.

The question was then taken on the resolution of Mr. McCarter, and it was rejected. Mr. Norton, from a majority of the committee on the Constitution, made a report, which was received, and referred to the committee of the whole.

Mr. Gwin made a minority report from the same committee, which was received and referred to the same committee.

The house then resolved itself into committee of the whole on so much of the report of the committee on the Constitution as relates to the right of suffrage.

The first section of the report of the committee being under consideration as follows:

Sec. 1 Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and the county, in which he claims his vote, twenty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law.

Mr. Gilbert moved to amend as follows. After the words "United States," and before the word "of" insert, "and every male citizen of Mexico, who shall have elected to become a citizen of the United States under the treaty of peace, exchanged and ratified at Queretaro, on the 30th day of May, 1848."

After a long debate the committee rose, without taking the question, reported progress, and had leave to sit again.

The house then adjourned to 8 o'clock, P. M.

ALTA CALIFORNIA.

SAN FRANCISCO, SEPTEMBER 23, 1849

A Second Edition

Of this EXTRA, containing a full report of the Convention proceedings, to the LAST HOUR of closing the mail at Monterey, will be issued immediately after its arrival to-day.

Sentence of Joseph Daniel.

The Frenchman, Joseph Daniel, twice tried for the murder of Peter Pettit, in this place last August, and found guilty, was brought into Court, on Wednesday, 19th instant, and sentence of death pronounced.

During the delivery of this most solemn decree, the prisoner exhibited much emotion, but on fully comprehending, through the services of an interpreter, the awful doom which awaited him, his terror and despair knew no control, violent paroxysms convulsed his whole frame, and he was removed, scarcely able to stand upright. It is believed he will yet make full confession of guilt.

The following is his sentence as pronounced by Judge Geary.

Joseph Daniel, have you anything further to say why sentence should not be pronounced against you?

You have been tried by an intelligent and an impartial jury, empaneled and sworn according to law. The evidence before the jury was such that, under their solemn oaths, they have pronounced you guilty, after a brief consultation. You have been thoroughly and honestly tried, the constitutional right to be tried by jury has been extended to you. The interests of the people of this territory have been represented by one who conducted your prosecution with ability; yet, in doing so, took great care not to do any thing against you that the law did not allow of, and evinced no greater zeal than his duty required. You have had the benefit of talented counsel, who exhibited the greatest zeal in your defence. Yet the jury, although extending to you the benefit of all reasonable doubts, and of our merciful and just law, has convicted you of the highest crime known in the catalogue—that of the murder of your friend and fellow-countryman.

Your trial, conviction, and punishment should be an effectual warning to all.

This Court can feel no pleasure in doing that which the law imposes on it as a duty; and it now only remains for me, in the discharge of that deeply responsible task to exhort you to prepare for the awful scene that awaits you, and to pronounce sentence upon you.

Your sentence is, that you be taken to the place of confinement, and then, on the 26th day of October next, to some convenient place of execution, and, between the hours of 10 o'clock, A. M., and 4 o'clock, P. M., you are to be suspended by the neck, between the heavens and the earth, until you are dead.

May Almighty God have mercy on your soul!

THE PLACER.—Many are returning from the mines in consequence of the extreme heat which now prevails in various sections of the Placer. They "hold over" here a few hours, in the course of which space of time they discover that they have "jumped out of the frying pan into the fire," and make immediate arrangements for leaving for the Bay. Our advice continues of the same tenor as they have been for some weeks past. The waters are rapidly falling, but we do not hear of any company or organization that is taking out over a cart load of the dust per day.—Placer Times, Sept. 1st.

Extract from a letter dated Aug. 5th, Big Bar, Middle Fork.

"The miners here have assumed the appearance and acquired the convenience of settled towns. Every bar has its stores and its meat market. Here, there are five, and always fresh beef in the market. Every thing is sold at Mill (Columbia) prices. The miner should come to the bars with nothing but his blankets, however, if he comes with animals there are ranchos who take to graze at \$20 per month. There are about 200 miners here; two thirds capital, and during the winter and about 2000 on the Middle and North forks—none but Americans allowed."

SACRAMENTO HOSPITAL.—At the large adobe building near Sutter's Fort, lately occupied by S. Brannan & Co. The subscribers beg leave to inform the public that the above large and commodious building having been thoroughly refitted and furnished as a Hospital, is now open for the reception of patients. This is believed to be better adapted to such a purpose than any other house in the country, being spacious, cool, and well ventilated; and not the least of its recommendations is to be found in a well of most excellent water, lately sunk on the premises. Good nurses and attendants, and a good cook will be provided; and no pains will be spared to supply the establishment with every comfort and convenience for the sick, that can be found in California. The charges per diem will be as moderate as the times permit, and no sick man will be refused admission because destitute of money.

Dr. C. H. CRAIG, of Washington, D. C., will have the medical charge of the Hospital. He is provided with surgical instruments of every description, and his best recommendation will probably be found in his treatment of those under his care.

Dr. C. has also on hand and for sale a large assortment of Drugs and Medicines of every description, syrups, bitters, lime juice and other articles of a similar kind.

CHAS. H. CRAIG,
ALEX. G. ABELL.

Sacramento Hospital, Aug. 4. 31st

TO PERSONS GOING TO THE MINES.—The subscribers have erected a large Warehouse at Culloma, on the south fork of the American river, where they have now on hand, and are daily receiving an extensive assortment of Provisions, Mining Implements, and every article needed by the miner, which are offered at wholesale or retail, at such prices as will make it the interest of all to purchase there, and thus save the great trouble and expense of forwarding. Our partners at San Francisco, Messrs. Simmons, Hutchinson & Co., being at all times in the market, our goods are purchased at the lowest rates—forwarded by their line of packets to Sacramento City, and from thence to Culloma by our own teams; consequently can be sold at as low rates as those of any other house.

We have also established branches of our store at several points on the North, and Middle and South Forks, to which our pack animals are running daily, enabling us to forward letters and packages to our customers immediately on the arrival of the steamers.

Bills of Exchange on New York furnished, and sent forwarded at the lowest rates.

JOHN T. LITTLE & Co., Culloma.

R. GELSTON & Co., Sacramento City.
SIMMONS, HUTCHINSON & Co., San Francisco.
Au 4 31st

MULE HARNESSES.—50 sets, adapted to 2 or 6 Mule wagons; saddles and bridles, 150, various grades; Mexican blits and circling; Mexican serapes, 10 bales, low priced to elegant styles; curry combs; shovels and spades; carpenter tools; 3 Iron safes; Havana regalia segars, 60,000 superior, 20,000 medium, carbine slings; bales mole skin; English jeans; bale sheeling; Jamaica Rum; 20 18 gallon casks gun, cider, brandy; corks, 40,000, assorted; lemon syrup; soap; sugar; rice and other groceries; on consignment and for sale by
Aug. 4. NORTHAM & GLADWIN
31st opposite DeWitt & Harrison's,
Storage received. Near the point.

PROF. WILLIAMS will re-open the San Francisco Institute on Monday next, in the Presbyterian Church, (Large Tent), on Dupont street
Sept. 22, 1849.

AMERICAN LOTTERY, Class No. 1. \$10,000 in actual Prizes—66 Numbers, 12 drawn Ballots. Whole Tickets \$10; half do. \$5. This lottery will be drawn at the public Institute, in San Francisco, on the third day of October next, at 12 o'clock, M., under the superintendence of the managers.

The Prizes to be drawn for will be as follows:

1 Prize of \$5000	\$5000
1 " " 1000	1000
2 Prizes of 500	1000
8 " " 100	800
20 " " 20	400
100 " " 10	1000
160 " " 5	800

All Prizes payable on the day of the drawing, or whenever called for, subject to a deduction of 15 per cent.

Those tickets having the following combination and order of drawn numbers upon them, will be entitled to prizes as follows:

1 ticket, having the 1st, 2d and 3d drawn numbers to \$5000	1000
4th, 5th and 6th	500ea
7th, 8th and 9th	100ea
10th, 11th and 12th	20ea
1st, 7th and 12th	10ea
any other three of the	5ea
any two of the	1ea

The drawing will be public, and ticket holders are desired to appoint a committee to assist at the drawing.

The drawn numbers will be published in the different places where tickets are sold, and in the Alta California immediately after the result is known. A WINANTS & CO., Managers and Proprietors.

Au 23-31-6t Office Parker's Hotel.

BINGHAM, REYNOLDS, BARTLETT, & Co., Wholesale Dealers and Commission Merchants, corner of Sansome street and Broadway, above DeWitt & Harrison, are receiving and now opening large invoices of goods per ships Pacific, Peytona, John G. Costar, Lota, Architect, etc., etc., comprising woolen Clothing, Boots and Shoes, 60 bales Blankets, white, blue, and green, 60 bales Rio Sugar, 30 Pilot Bread, 50 ground Coffee; Flour, Pork, Butter, Cheese, Hams, Tobacco, Segars, assorted Hardware, Carpenters' Tools, Pick-axes, Sal. Brains, Hickory Shirts, Flannel Wrappers, Drawers, etc., fancy Shirts, white do., Hats and Caps, California styles, 50 bales, draught Ale, bottled Scotch do., 100 bales Brandy, 20 bales Gin, 25 bales Aguardiente and Rum, Wines; Saddlery, Stationery, Wrapping Paper, Friction Matches, etc., etc. These goods are offered at the lowest prices; purchasers will find it to their advantage to give us a call
Au 22-31st

DALL & AUSTIN, have just received per ship Jane Parker from Baltimore, and offer for sale the following goods, viz:

British prints, a few cases of choice patterns; also, gingham, mouslin de laines, silks, prints and a variety of handsome dress goods. Red flannel and mariners shirts, pantaloons, &c. Liquors, brandy, apple brandy, gin and whiskey in cases and barrels, mess pork in barrels and half barrels, pilot bread in whiskey barrels, pickled beef tongues in quarter and half barrels. Warehouse foot of Sacramento st. Aug 4 31st

NEW GOODS PER RECENT ARRIVALS.—The undersigned have received by the Ann McKim, Norman, Connecticut, Ocean, Montreal, and other vessels, a large assortment of desirable goods: such as Brussels Carpeting, Patent Leather, Cushman's Shawls, Sail Cloth, white Blankets, Boots and Shoes, Clothing, fine Cutlery, dried Fruits, jerked Beef, Liquors and provisions of most kinds, Peruvian Bark, etc., etc. Also, two excellent Piano Fortes, cheap. Also, 500 lbs. sweet Chile Flour, in prime order. Also, a small lot of Swedish Lumber, to all of which they solicit the attention of buyers.

E. MICKLE & CO., au 21-31st Clay street wharf

WARD & CO. offer for sale the cargo of the bark St. mwaerder, just arrived from Valparaiso, consisting of lumber, segars, stationery, segar cases, cutlery, iron safes, combs, looking glasses, dressing cases, nails, copying apparatus, brass reading lamps, plated candlesticks, tea and coffee pots, saw files, coffee roasters, sad irons, hand saws and saws.

Also, per bark Victory, 10 qr casks and 20 eighth casks very superior brandy.

Also, per ship Sutton, 192 pgs manufactured tobacco, in whole, half and quarter boxes, 8 cases cigars, 9 whole and 6 half bales snuff and tobacco, and 152 boxes pipes. Au 31

FOR SALE EX. AMERICAN SHIP SYLPH.—Fine American and Chili Flour, Rum, Butter, Lard, Tobacco, cut and wrought iron Nails, Hollowware and cooking utensils, shoes, clocks, books, ink, &c., also superior Champagne, sewing pieces and pistols gold and silver watches, brass hinges, table knives, spoons, &c., &c.

JOSEPH de PUISAYE GREEN, au 3 31st Pacific st., corner of Kearny.

FRESH GARDEN SEEDS, FLOUR, Barley, Chile Walnuts, Paper for Cigars, Nails, Hardware, Window Glass, Horse and Mule Shoes, Water Filters, Magnets, Also, 100 lbs HF Sporting Powder, 50 boxes I C Tin Plate, Bar Lead and Tin for solder. For sale by J. G. COFFIN, Montgomery st., next to Jewett & Melhado. Sept 6-36 4t

New York of the Pacific

The City of New York, of the Pacific, the field of ship navigation upon the Bay its junction with the rivers Sacramento and San Joaquin, has been most accurately surveyed by R. P. Hammond, U. S. A., and laid out in a beautiful and convenient manner, and maps prepared by E. H. Rowe, Esq., Engineer and Surveyor, pointing out clearly each and every the surveyed limits of the city, and the property offered for sale to the public. Along the front of the city a public street is laid out and fifty feet in width, beyond which will ever be sold, and the proprietors thereof to the purchasers of all lots fronting street that no building shall ever be erected thereon, and the water. There is also the entire water front of the city at which the largest class cannot buy within 30 feet of the river, and there are but few points where class of vessels cannot come immediately to and discharge their cargoes, and at all of this cannot be done wharves will be built by proprietors as soon as materials for building are secured. The centre street of the city runs, and South is one hundred feet in width, and other streets seventy-five feet, the lots are front, by one hundred deep, and there is not the survey unfit for building purposes.

There are three public squares laid out in survey, which will be given to the city, exceeds the sales of all the lots fronting on it will be appropriated to the recreation of the public. The titles to this property are perfect and complete every particular.

These will be established immediately at record office in charge of a competent officer, authorized to take acknowledgments and fees, and where the original title deed to this property is recorded, and where it is desirable that the lots purchased should also be immediately recorded.

The advantages of the location of this city, other above San Francisco, are too well known who have either passed up the river Sacramento to require any comment from others, but to all persons who have not had the opportunity to examine the site, we say that there is in California a point combining so many advantages business purposes, with the advantages of a healthy climate, dry soil, free from foundation point, throughout the year, a superior harbor, the site of the largest class, and an abundant pure water at all seasons. To these advantages will add that permanent arrangements have been made for two steamers, to commence running in month of August daily from San Francisco to the city, and also two steamers of very light draught with low boats prepared to navigate the Sacramento and San Joaquin, and their tributaries, from below which they will not come. For full information connected with the city of New York, apply at the office of the proprietors in month square, San Francisco, and at the city.

J. D. STEVENSON,
W. C. PARKER,
G. McDOUGAL

M. 23 27

THE TOWN OF SUTTER,

(LATE SUTTERVILLE.) This town has just been re-surveyed and by Lt. J. W. Davidson, of the U. S. A., there are now offered for sale here by the U. S. A., and at the Town by George McDougall. This town is beautifully situated upon the south fork of the Sacramento, within about two miles of Sutter's Fort, having a fine road leading therefrom to the mining region, and is some six miles nearer the mines by this road than any other carter point upon the river. A direct road being made on the opposite side of the river, will when completed, save 74 miles travel. The locations upon the river banks for new purposes are never subject to overflow, the highest water known on the river, and the ground back is the most desirable location for residence of any point that can be selected on the banks of the Sacramento.

THE TOWN OF SANTA CRUZ The survey of this Pueblo, one of the California, has recently been corrected and by Lt. Williamson, U. S. A. It is situated Bay of Monterey, and presents more advantage an agreeable residence than any other in California. It is well known that at no part of the country is the climate purer, water better, more fertile, and where so unlimited a supply of and timber for building and fencing purposes procured at prices nearly as low as in the States. The town and planting grounds are in lots of 50 varas square, a large number of are now offered for sale at very moderate prices to the subscribers.

SAN FRANCISCO.

Some of the most desirable locations for residences or business purposes in this town, purchased or leased of the subscribers.

Maps of the City of New York of the Towns of Sutter, Santa Cruz, and San Joaquin can be seen at the Land Office of the city on Clay street, south side Portsmouth square.

27th STEVENSON, PARKER & CO.

NOTICE.—To the Members of the Monterey and others. Notice is hereby given, for subscription to a joint stock company for the purpose of erecting a building to be occupied as a Room, are now open at the office of STEVENSON, PARKER, & CO.

Portsmouth square, and HAYEN & LIVINGSTON, Clay street.

J. D. STEVENSON,
R. M. PRICE,
J. P. HAYEN,
C. GILMAN,
L. STOWELL, } Commit

CONCERN.—The undersigned respectfully inform his friends and the public that he has opened his new establishment on Kearny where he will be happy to receive all who wish him with a call.

Neither pains nor expense have been spared in this elegant establishment. Confectionery the choicest kinds, Pies, Cakes, Jellies, Coffee, Chocolate, and other delicacies always on hand. The Bar is stocked with a choice selection of Wines, Liquors and Segars.

Orders for Balls and Parties attended to shortest notice.

The proprietor hopes by attention to business and reasonable prices, to merit a share of patronage. [Sept. 26th] E. W. PALMER

DR. J. W. PALMER, City Physician. Dr. W. W. JONES, associated in practice in Sacramento street, 2 doors above Kearney.